



CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
July 6, 2005 Date	 Gina N. Shishima

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Roth, et al.

Serial No.: 10/784,538

Filed: 2/23/2004

For: METHODS AND COMPOSITIONS  
COMPRISING DNA DAMAGING  
AGENTS AND p53

Group Art Unit: 1636

Examiner: Ketter, James S.

Atty. Dkt. No.: INRP:050USC1

**RESPONSE TO OFFICE ACTION  
DATED APRIL 6, 2005**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Office Action dated April 6, 2005 for which the three-month date for response is July 6, 2005.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/INRP:050USC1.

Obviousness-Type Double Patenting

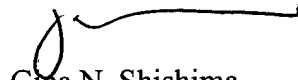
Applicants submit a terminal disclaimer over U.S. Patent 6,797,702. Applicants note that the filing of a terminal disclaimer does not create any estoppel or presumption regarding the merits of the rejection. *Quad Environmental Tech. Corp. v. Union Sanitary Dist.*, 946 F.2d 870 (Fed. Cir. 1991).

CONCLUSION

Applicants believe that the foregoing remarks fully respond to all outstanding matters for this application.

Should the Examiner desire to sustain any of the rejections discussed in relation to this Response, the courtesy of a telephonic conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3081 is respectfully requested.

Respectfully submitted,



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Date: July 6, 2005